

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

JOEL ALVARADO SANTIAGO, #16461-028

PETITIONER

V.

CIVIL ACTION NO. 3:22-CV-652-KHJ-MTP

MARCUS MARTIN, Warden, USP
Yazoo City

RESPONDENT

ORDER

Before the Court is the [16] Report and Recommendation (“Report”) of United States Magistrate Judge Michael T. Parker. The Report recommends granting Respondent Marcus Martin’s [14] Motion to Dismiss for Mootness and dismissing Petitioner Joel Alvarado Santiago’s [1] Petition for Writ of Habeas Corpus without prejudice. [16] at 1. Written objections to the Report were due May 30, 2023. *Id.* at 2–3. The Report notified the parties that failure to file written objections to the findings and recommendations by that date would bar further appeal in accordance with 28 U.S.C. § 636. *Id.*

When no party has objected to a magistrate judge’s report, the Court need not review it de novo. 28 U.S.C. § 636(b)(1). Instead, the report is reviewed under the “clearly erroneous, abuse of discretion and contrary to law” standard of review. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Santiago seeks habeas relief, requesting the Court “clarify” the judgment specifying the date of his arrest as June 25, 2018, and award him additional sentencing credit accordingly. [1] at 8. He filed his [1] Petition on November 8, 2022.

Martin moved to dismiss, arguing the Petition is moot because Santiago has already received his requested relief through the BOP's administrative process. [16] ¶¶ 6–7. The Court ordered Santiago to show cause by April 28, 2023, as to why it should not dismiss the case as moot. Order [15]. Santiago did not respond.

The Magistrate Judge recommends dismissing the [1] Petition without prejudice because it is moot. [16] at 2. Santiago did not object to the Report, and the time to do so has passed. The Report is neither clearly erroneous nor contrary to law.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the [16] Report and Recommendation of United States Magistrate Judge Michael T. Parker is adopted as the opinion of this Court. The Court GRANTS Respondent Marcus Martin's [14] Motion to Dismiss for Mootness and DISMISSES Petitioner Joel Alvarado Santiago's [1] Petition without prejudice.

The Court will issue a separate Final Judgment consistent with this Order.

SO ORDERED, this the 6th day of June, 2023.

s/ Kristi H. Johnson
UNITED STATES DISTRICT JUDGE